

04-11108

USDC-MAB

J. TAURO

**United States Court of Appeals
For the First Circuit**

Nos. 04-1933
04-2047

MANDATE

OTIS ELEVATOR COMPANY,

Plaintiff-Appellant/Cross-Appellee,

v.

INTERNATIONAL UNION OF ELEVATOR CONSTRUCTORS, LOCAL 4;
MICHAEL LANGER, Individually and as Business Manager;
KEVIN MCGETTIGAN, Individually and as Business Representative;
and STEVE MORSE, Individually and as Business Representative,

Defendants-Appellees/Cross-Appellants.

JUDGMENT

Entered: May 11, 2005

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts, and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: That part of the district court's preliminary injunction which orders Local 4 to cease and desist from engaging in or promoting concerted activities against Otis, or in any way interfering with its normal operations is affirmed. All other parts of the preliminary injunction issued on June 17, 2004 are reversed, and the matter is remanded for the district court to modify the preliminary injunction to indicate that any grievance by Local 4 concerning the use of a crane to hoist and place a plunger/cylinder unit must be processed as indicated in Article XV of the Agreement.

Costs are taxed against Local 4.

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**

Richard Cushing; Donovan, Clerk

Deputy Clerk

Date: 6/1/05

By the Court:

RICHARD CUSHING DONOVAN

Richard Cushing Donovan, Clerk

[Certified copies to Hon. Joseph L. Tauro and Ms. Sarah A. Thornton, Clerk, United States District Court for Massachusetts. Copies to Mr. McConnell, Mr. Kaitz, Mr. Copeland & Mr. Kelly.]